IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 16310 of 2003

Between:

The Scheduled Caste Labour Contract Co-op., Society Ltd.,

Burdhagudem, Mandamarri, District: Adilabad, rep. by its President-

Durgam Shanker, S/o. Mallaiah, R/o. Burdhagudem, Mandamarri,

Adilabad District.

..... PETITIONER

AND

1 The Director of Municipal Administration, A.P., Hyderabad.
2 The Revenue Divisional Officer, Mancherial, Adilabad District.
3 The Commissioner, Mandamarri Municipality, Adilabad District.
4 The C.D.S. Society, Rep.by its President, Mandamarri.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 to 3 in allotting the works on nomination basis to respondent No.4 in pursuance of proceedings Roc. No. 15796/2002-N1-1, dt: 25-1-2003 as illegal and arbitrary and direct the respondent Nos.1 to 3 to allot the works to petitioner society.

Counsel for the Petitioner: MR.V.MANOHAR RAO

Counsel for the Respondent Nos.1 to 4: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16310 OF 2003

-

ORDER:

The Scheduled Caste Labour Contract Cooperative Society Limited, Burdhagudem, filed the present writ petition seeking a writ of mandamus declaring the action of the respondents 1 to 3 in allotting the works on nomination basis to fourth respondent herein pursuant to the proceedings dated 25.01.2003 as illegal and arbitrary. The petitioner also seeks a consequential direction to respondents 1 to 3 to allot the works to the petitioner society.

The petitioner is registered under the A.P.Cooperative Societies Act, 1964. Its area of operation is the local limits of Mandamarri municipality in Adilabad District. As per the orders of the Government of Andhra Pradesh in G.O.Ms.No.52 dated 18.03.2000, certain civil works in engineering department are to be allotted to cooperative societies of scheduled castes and accordingly the third respondent is allotting works to the petitioner from time to time. The first respondent herein allotted an amount of Rs.42.82 lakhs to the third respondent for laying C.C.roads and construction of drainage channels in the municipality under NSDP programme and also directed the third respondent to allot the works to fourth respondent on the nomination basis for considering the release of funds. Accordingly the third respondent sent proposals to the second respondent for approval but the same were not approved. In the meanwhile by letter dated 18.10.2002, the District Collector directed the respondents 2 and 3 to allot the works to the petitioner in accordance with the Government Orders in G.O.Ms.No.52 in vain. The action of the respondents in allotting the works to the fourth respondent on nomination basis is challenged contending that the same would defeat the rights of the petitioner.

Though the writ petition is admitted, this Court did not pass interim orders prohibiting respondents 1 to 3 from allotting works to fourth respondent.

A perusal of the impugned order of the first respondent would show that the

Government of India was likely to release funds under ULBs for implementation of NSDP in ULBs. These funds were to be utilized for the works to be executed through CDS within a period of 3 to 4 months and in any case within a period of six months. Therefore, it becomes clear that the works are to be completed within six months and in all probability, the works were allotted on nomination basis to fourth respondent and they were already completed. At this point of time, it would be futile to pass any orders prohibiting the allotment of works to the fourth respondent on nomination basis. However, there is force in the submission of the learned counsel for petitioner that the petitioner society is entitled for the benefit conferred by the Government of Andhra Pradesh vide their orders in G.O.Ms.No.52 dated 18.03.2000. The interest of justice would be subserved if a direction is issued to respondents 1 to 3 to implement the orders and guidelines issued by the Government in the said Government Order, as and when the works are taken up by the municipality in future, provided the petitioner society satisfy all other conditions.

The writ petition, with the above observation, is disposed of.

_____

(V.V.S.RAO,J)

05.11.2004.

pln

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Director of Municipal Administration, A.P., Hyderabad.
2 The Revenue Divisional Officer, Mancherial, Adilabad District.
3 The Commissioner, Mandamarri Municipality, Adilabad District.
4 The President, C.D.S. Society, Mandamarri.

5. Two C.Cs. to the Government Pleader for Municipal Administration

and Urban Development, High Court Buildings, Hyderabad. (O.U.T.)

6. Two C.D. copies.